of his original sentence even though the time of his original sentence has elapsed.

The pardoning power of the president in this country as specified in Act. II., Section 2 of the Federal Constitution is not subject to any legislative control. *U. S. v. Wilson*, 7 Pet. (U. S.) 150; *Ex parte Wells*, 18 How. (U. S.) 307. So also the governor, in all the states, either solely or with others, has the power to conditionally pardon persons convicted of crimes, other than impeachment and treason, by virtue of his state constitution. *People v. Potter*, 1 Park (N. Y.) 47. This pardoning power, however, is not necessarily an executive function, but resides where the Const. places it, and in the absence of legislation, it vests no more power in the executive than in the legislative or judicial department. *State v. Nichols*, 26 Ark. 74. One who claims the benefit of a pardon must be held to strict compliance with its conditions. *Haym v. U. S.*, 7 Cir. Ct. 443; *Warney v. U. S.*, 7 *id.* 501. Hence it is a general rule in England and in this country that the pardon, in the case of a condition precedent, does not take effect and in the case of a condition subsequent becomes void, and the criminal may be re-arrested and compelled to finish his original sentence, though the time of such sentence has elapsed. *Com. v. Halsfield*, 2 Pa. L. J. 37; *Coles's Case Moo K. B.*, 466. But if the condition annexed thereto is illegal or impossible the condition is void and the pardon becomes absolute. *Lee v. Murphy*, 12 Am. Rep. 563. In the absence of statute or express provision in the pardon the person charged with violating the conditions of his pardon has the constitutional right to be examined and tried like any other person charged with crime. *People v. Moore.*, 62 Mich. 497. But the accused is not entitled to a jury trial, as a matter of right, except upon the question, whether he is the same person who was convicted. *Exparte Alvarez*, 39 So. 481; *State v. Wolfer*, 53 Minn. 135. However, it has been held that the violation of a condition in a pardon is a question of fact and may be properly determined by the verdict of a jury. *People v. Burns*, 143 N. Y. 665.

PARENT AND CHILD—SUPPORT OF CHILD—LIABILITY OF PARENT.—SMITH V. GILBERT, 98 S. W. 115 (ARK.). *Held*, a parent is not liable for necessaries furnished his child unless he has refused to furnish them, and one employing a child in spite of the objections of the parent who has not refused to furnish the child with necessaries cannot, on being sued for the value of the services of the child deduct what he has paid the child, and which the child used in buying necessaries,

In *Keaton v. Davis*, 18 Ga. 457 it was held that a father, in the absence of a reasonable and proper exigency, was not liable to a third party, who had supplied his son with medicine and medical attendance. Thus a father is not liable to a third party for necessaries furnished his infant son without his authority to do so. *Brown v. Deloach*, 28 Ga. 486. But where the infant is under the authority of the parent, there must be a clear and palpable omission of duty, in that respect on the part of the parent, in order to authorize any other person to act for and charge the expense to the parent, *Van Valkinburgh v. Watson*, 7 Am. Dec. 395; 13 Johns 480. And no promise of the parent can be implied, where the infant leaves his parent's house in disobedience of her commands, and went to live with the plaintiff, under a contract that he should remain with the plaintiff until he should become of age. *Raymond v. Loyl*, 10 Barber 483. Therefore one who trades with an infant, and gives credit to him alone, knowing all the facts of the case, cannot sus-

tain an action against the father for necessaries thus delivered. *Gordon v. Potter*, 17 Vt. 348.

PLEADING—BILL—MULTIFARIOUSNESS—PRICKETT V. PRICKETT, 42 So. 408 (ALA.).—*Held*, that a bill seeking to enforce a resulting trust in land, and on independent averments to have alimony decreed to the complainant, was demurrable for multifariousness.

Multifariousness is the improper joining in one bill of two independent and disconnected matters and thereby confounding them. *Story's Eq. Pl.*, 9th Ed. Section 271; *Daniell's Chancery Pr.*, 5th Ed. 334. There are two kinds of multifariousness, one as to the subject matter and the other as to parties. *Weston v. Blake*, 61 Me. 452. *Gartland v. Minn.*. 11 Ark. 720. The former is identical with the common law misjoinder. *Brown v. Bullsner*, 86 Va. 612; *Green v. Richards*, 23 N. J. Eq. 32. That is, in equity, misjoinder is a species of multifariousness. *Durling v. Hammar*, 20 N. J. Eq. 220. Under the code practice, however, the terms are used indiscriminately, but owing to the use of the term in these two senses it is more desirable to use the word multifariousness. *Behlow v. Fisher*, 102 Col. 209: *Emery v. Erskine*, 66 Barb. (N. Y.) 9. There is no inflexible rule as to what constitutes multifariousness in a bill. *Barney v. Lathan*, 103 U. S. 215; *Oliver v. Pratt*, 44 U. S. 333. It must be determined largely from the circumstances of the particular case, and even then depends much on the discretion of the judge. *Wash. City S. Banks v. Thornton*, 83 Va. 166; *Stevens v. Bosch*, 54 N. J. Eq. 59. So the uniting of a purely legal demand with an equitable demand in a bill has been held not demurrable for multifariousness. *Johnston v. Little*, 37 So. 592; *Wellsburg & S. L. R. Co., v. Panhandle T. Co.*, 48, S. E. 746. In some jurisdictions the test is whether the causes of action united in the bill require separate proofs and decrees. *Walker v. Powers*, 104 U. S. 245; *Holton v. Wallace*, 66 Fed. 409. Another test, more frequently employed, is whether the bill, fairly construed, shows a single object and seeks to enforce one general and common right. *Wells v. Bridgeport*, 30 Ct. 316; *Wood v. Sidney Sash, etc. Co.*, 92 Hun. (N. Y.) 22. A complete and satisfactory test would probably require a combination of both of these tests. *U. S. v. Guylard*, 79 Fed. 21; *Africa v. Knoxville*, 70 Fed. 739. Objection to multifariousness should always be taken by demurrer. *Pelham v. Edelmeyer*, 15 Fed. 262; *Bessell v. Beckwith*, 33 Ct. 357. In determining this question, however, the court cannot look to the answer or proof, but to the bill only. *Halstead v. Shepard*, 23 Ala. 558; *Eastman v. Savings Bank*, 58 N. H. 421.

PUBLIC FUNDS—DEPOSIT OF SAME IN BANK—LIABILITY FOR LOSS.—STATE TO USE OF FENTRESS COUNTY V. REED ET AL, 95 S. W. 809 (TENN.). *Held*, a county trustee depositing public funds in a bank, is not relieved from liability for loss resulting from the insolvency of the bank, by showing that he acted in good faith in selecting the bank.

In a few jurisdictions the rule of responsibility of bailees for hire has been applied to county treasurers, exonerating them from liability for the failure of bank in good standing at the time moneys were placed on deposit, *Cumberland Co. v. Pennel*, 69 Me. 357. But the weight of authority is to the effect that where the statute in general terms imposes a duty to turn over public moneys and there is no condition limiting that obligation, the obligation will be deemed absolute, *11 Cyc 447*. Public policy requires that every depositary of the public money should be held to a strict accountability, and the trustee